



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, MNDC, FF

### Introduction

The tenant applies for a monetary award for recovery of deposit money and for an amount her former landlords agreed to pay for loss to the tenant resulting from water damage.

Neither respondent landlord attended for the hearing within 30 minutes after its scheduled start time.

In order to proceed with the tenant's application in the absence of the landlords it is incumbent on the tenant to show that the landlords have been duly served with the application and with the notice of this hearing.

The tenant shows that the application and notice of hearing were sent to each landlord by registered mail. The mail to Mr. P was sent to a post office box number the tenant says Mr. P.'s son gave her over the telephone. That mail went "unclaimed by recipient" and was returned. The mail to Ms. G. was sent to the rental unit address, a house that Ms. G. and Mr. P. had sold in the spring of 2017 and were no longer living in at the time this application was made.

Section 89 of the *Residential Tenancy Act* sets out the rules for service of applications of this nature. It provides that the application may be served: (a) by leaving a copy with the person; (b) if the person is a landlord, by leaving a copy with an agent of the landlord; or (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord.

I must find that the tenant has failed to comply with the service requirements set out in s.89.

I dismiss the tenant's application, with leave to re-apply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 05, 2018

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Residential Tenancy Branch